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10/533,766	05/04/2005	Takemi Matsuno	26281-09A	7948

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ARTHUR G. SCHAIER
CARMODY & TORRANCE LLP
50 LEAVENWORTH STREET
P.O. BOX 1110
WATERBURY, CT 06721

EXAMINER

CULBRETH, ERIC D

ART UNIT	PAPER NUMBER
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3616

MAIL DATE	DELIVERY MODE
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01/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/533,766	Applicant(s) MATSUNO, TAKEMI	
	Examiner Eric Culbreth	Art Unit 3616	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7,8,10-13,16 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7,8,10-13,16 and 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Approved replacement sheet</u> |

DETAILED ACTION

Information Disclosure Statement

1. In order to ensure proper consideration, the foreign references listed on pages 2-5 of the specification should be included with applicant's next correspondence, as they are not readily available to the examiner, if they have not already been made of record.

Drawings

2. The drawings were received on 11/7/07. These drawings are approved.
3. Figures 21-24 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

This refers to the description of Figures 21-24 on page 12, where it is stated that these figures only show conventional features.

4. The drawings are objected to because of the following informalities. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office

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action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

- a. There are reference numerals in Figures 2a-2c and 3a-3c that are not discussed in the specification.
- b. There is no Figure 13(f) in the drawings (page 25, line 13 from the end of the page).
- c. Contrary to page 25, lines 4-6 from the end of the page, there is no illustration of a measuring means in the embodiment.
- d. The reference numerals in Figures 11-12 are not discussed in the specification.

Specification

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

6. The disclosure is objected to because of the following informalities:

- a. On page 9, line 6 from the end of the page "preferably" should be "preferable".
- b. Throughout the descriptions of Figures 2(a)-2(c), and 3(a)-3(c), it is not clear what is meant by "(No. 1)" and "(No. 2)". Note also descriptions of Figures 4-5 on page 10, Figures 8(a)-8(c) on page 11 and Figures 16(a)-16(c) on page 11.
- c. On page 10, the descriptions of Figures 4 and 5 should be 4(a)-4(c) and 5(a)-5(b).
- d. On page 11, line 9 from the end of the page "forth" should be "fourth".
- e. In the descriptions of Figures 21-24 on page 12, it is not clear "(No. 1)" through "(No. 4)" mean.
- f. On page 13, line 7 "convexo-concave" is not understood.
- g. On page 14, line 5 from the end of the page "utilize" should be "utilized".
- h. On page 20, next to last line "forth" should be "fourth". Note also page 28, lines 15-16 and page 28, last line.
- i. Regarding page 21, line 5 it is not clear what the "first embodiment" is.

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- j. On page 22, line 3 "10" should be "10(a)-10(f)".
 - k. Regarding page 32, line 11 there is no Figure 9 (there are Figures 9(a), etc.).
 - l. Page 40, lines 14-22 are an incomplete sentence.
- Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 7-8, 10-13, 16, and 18-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. In claim 7, line 5 there is no antecedent basis for "the surface" (i.e., which surface? a skin has two surfaces, a front and back).

b. In claim 8, there is no clear antecedent basis for "the back surface side", and this appears to be inaccurate (in the specification, the front surface is aspirated and fixed to the support base, exposing the back for cutting).

c. In claim 10, there is no antecedent basis for "the altitude of the cutting blade" in the last line.

d. In claim 11, lines 2-3 there is no antecedent basis for "the state of the cutting blade", and it is not clear what is meant by "the state" (what does this include; when is this infringed? What is the state from the disclosure? This may also be a 35

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USC 112 first paragraph enablement issue if the state limitation is not clear from the specification).

e. In claim 12, line 3 there is no antecedent basis for "the remaining portion", and it is not clear what the remaining portion is a portion of.

f. In claim 16, line 7, there is no antecedent basis for "the remaining portion", and it is not clear what the remaining portion is a portion of.

g. In claim 16, next to last line there is no antecedent basis for "the incision".

h. In claim 18, lines 2-3 "object(s)" should be "objects" for proper grammar.

i. Claim 18, lines 3-4 are not accurate in reciting a curved object vertically or diagonally intersecting.

j. In claim 19, last line there is no antecedent basis for "the altitude".

k. In claim 20, last line there is no antecedent basis for "the state", and it is not clear what the state is.

l. In claims 7, 13 and 22-23, there is antecedent basis for "the remaining portion" and it is not clear what the remaining portion is a portion of.

m. In claim 22, lines 4-5 there is no antecedent basis for "the surface of the substrate".

n. In claim 23, line 4 there is no antecedent basis for "the surface of the support base".

Claim Rejections - 35 USC § 103

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claim 22 as best understood is rejected under 35 U.S.C. 102(b) as being anticipated by European Patent EP1072860, of record in view of Bauer US005217244A.

EP '860 discloses a method of producing a vehicle upholstery member (airbag covering material in the English translation title; the measurement is made in the course of producing an air bag covering) having an airbag door equipped with a prefabricated skin comprising partially bending the skin with its back surface (enclosed English translation, paragraph [0003], lines6-7, where cuts are made in the lower surface) convexed in Figure 3 by mounting the skin 5 on a substrate 4, forming a break line 25 (i.e., the skin has a break line formed) with a cutter (cutter 19 in paragraph [0023] of the enclosed English translation)) and measuring the depth of the thickness of remaining (uncut) portion with the incision open by bending the skin (paragraph [0001]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify EP '860 to include a cutting blade as taught by Bauer's blade 72 in order to conventionally cut the skin.

11. Claim 23 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al US007011512B2 (of record) in view of Bauer US005217244A and Bauer US005744776.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Evans et al, who teaches a device for producing an air bag door (score line in abstract) in a skin 56 comprising support base 48 flatly mounting the skin having a protrusion 52 bending a formation place of the tear line with its back face 26 convexed, to include a cutting blade forming the cut as taught by Bauer '244's blade 72 in order to form the cut with an alternative cutting tool yielding predictable results and to include a device measuring device measuring thickness of remaining material as taught by Bauer '776's sensor measuring thickness of remaining material at column 6, lines 62-64 in order to improve quality.

Allowable Subject Matter

12. Claims 8, 10-12, and 18-21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

13. Claims 7, 13 and 16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Culbreth whose telephone number is 571/272-6668. The examiner can normally be reached on Monday-Thursday, 9:00-6:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571/272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric Culbreth
Primary Examiner
Art Unit 3616

/Eric Culbreth/
Primary Examiner, Art Unit 3616

REPLACEMENT SHEET

Approved
EC

4/12/08 Fig.1

